THE HON'BLE THE ACTING CHIEF JUSTICE SRI PINAKI CHANDRA GHOSE
AND
THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

Writ Appeal No. 626 of 2007

DATED:8.8.2012

Between:
Mir Gayoor Hussain Khan and others.

… Appellants

And

The Secretary,
Government of India, Ministry of Defence and others.

…. Respondents

THE HON'BLE THE ACTING CHIEF JUSTICE SRI PINAKI CHANDRA GHOSE
AND
THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

Writ Appeal No.626 of 2007

Judgment: (per the Hon'ble the Acting Chief Justice Sri Pinaki Chandra Ghose)

This appeal is directed against the order dated 13.11.2006 passed by the Hon'ble Single Judge in Writ Petition No. 18670 of 2006.

The appellants-writ petitioners filed the aforementioned writ petition before the Hon'ble Single Judge assailing the proceedings of the 1st respondent dated 26.8.2005.

After arguing for some time, learned counsel for the appellants sought leave of the Court to take steps in accordance with the provisions of law before the appropriate forum to establish the right, title and interest of the appellants over the property in question.

We have perused the order passed by the Hon'ble Single Judge in the aforementioned writ petition. The Hon'ble Single Judge dismissed the writ petition on the ground that there are disputed questions of fact which cannot be gone into in the writ jurisdiction.

However, after considering the arguments put forward before us by the learned counsel for the parties, we are of the view that this writ appeal can be disposed of with liberty to the appellants to approach the appropriate forum for appropriate orders, as rightly submitted by the learned counsel for the appellants.

Accordingly, this writ appeal is disposed of with liberty to the appellants to approach the appropriate forum for appropriate orders.

However, it is made clear that any observations made by the Hon'ble Single Judge while dismissing the writ petition in respect of the title of the appellants are concerned, the same will not stand in the way of the appropriate forum to decide the said question afresh.

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PINAKI CHANDRA GHOSE, ACJ

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VILAS V. AFZULPURKAR,J

8-8-2012

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